



COPY

Attorney Docket N . 1855.4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lamb
Serial No. 10/062,954
Filed: January 31, 2002
For: METHOD OF TREATING PAIN

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JUL 25 2002

February 27, 2002

Assistant Commissioner for Patents
Washington, DC 20231

TECH CENTER 1600/2900

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SUBMITTAL OF ADDITIONAL FILING FEES

Sir:

In reviewing the file regarding the subject application, the undersigned has noted that the filing fees for the subject application have been miscalculated and fees in the amount of 36 are due. Specifically, there are three multiple dependent claims (listed below) in the application, which were not properly considered in the fee calculations by the Applicant, or subsequently by the PTO.

Claim 4 - dependent on 2 claims;

Claim 7 - dependent on 6 claims; and

Claim 16 - dependent on 2 claims.

As noted on the Fee Transmittal submitted with the application, only 20 total claimers were counted, instead of 27 (in view of the multiple dependencies), and the multiple dependent claim fee was not included in the calculation at all. Subsequently, on February 8, 2002, the undersigned's Deposit Account was charged for the multiple dependent claim fee, but the PTO only calculated 3 additional claims instead of 7 additional claims based on the multiple dependencies, and charged the Deposit Account for the 3 excess claims.

To summarize, below are calculations of the fees paid and the actual fees due for the application:

Filing Fees	Fee Code	Paid	Due	
Basic Filing Fee	201	\$370	\$370	
Independent Claims over 3	202	84	84	
Claims over 20	203	27	63	
Multiple Dependent	204	140	140	
Totals		\$621	657	
Balance Due				\$36

Lamb
Ser. No. 10/062,954
Filed 1/31/02
Page 2




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Accordingly, a check in the amount of \$36 is enclosed to cover the additional claims fees due in the application. Any additional fee or credit may be charged to Deposit Account No. 50-0332.

Respectfully submitted,



Stanley B. Baker
Reg. No. 35,058

021176
Summa & Allan, P.A.
11610 North Community House Road
Suite 200, Ballantyne Corporate Park
Charlotte, North Carolina 28277
Telephone: 704-945-6700
Facsimile: 704-945-6735
Our File 1855.4
S:\FIRM DOCS\18554\Fee Transmittal-Supp.doc

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on February 27, 2002.



Stanley B. Baker



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Page**Deposit Account Statement**

Requested Statement Month: May 2002
Deposit Account Number: 500332
Name: SUMMA & ALLAN, P.A.
Attention:
Address: 11610 NORTH COMMUNITY HOUSE ROAD
City: CHARLOTTE
State: NC
Zip: 28277

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/07	12	09268085		704	-\$300.00	\$3,242.00
05/16	115	817891		570	\$25.00	\$3,217.00
05/16	118	817895		570	\$25.00	\$3,192.00
05/20	17	10145216	3000.182	102	\$84.00	\$3,108.00
05/23	4	09810830	5000-115C	102	\$84.00	\$3,024.00
05/29	11	10062954		704	-\$36.00	\$3,060.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$2,942.00	\$218.00	\$336.00	\$3,060.00

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May 31, 2002

Assistant Commissioner for Patents
Washington, DC 20231

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SECOND SUBMITTAL OF ADDITIONAL FILING FEES

Sir:

Applicant has once again reviewed the file regarding this case and found a discrepancy in the fees paid.

The table below details the filing fees due and the fees paid to date.


Filing Fees	Fee Code	Due	Paid 1/31/02	Deposit Acct 2/8/02	Deposit Account 2/27/02	Paid 2/27/02	Refund 5/29/02
Basic Filing Fee	201	\$370	\$370				
Independent Claims over 3 = 2	202	84	84				
Claims over 20 = 7	203	63		27	27	36	
Multiple Dependent	204	140		140			
			454	167	27	36	-36
TOTALS		\$657					\$648
Balance Due							\$9

Accordingly, the Commissioner is authorized to charge Deposit Account No. 50-0332 for any additional fees due or to credit the account if it is determined that there has been an overpayment.

06/21/2002 SLUANG: 00000012 500332 10062954

01 FC:203 9.00 CH

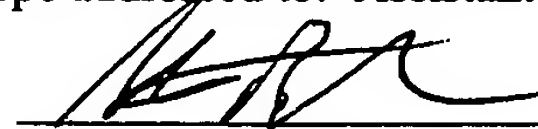
Respectfully submitted,


Stanley B. Baker
Reg. No. 35,058

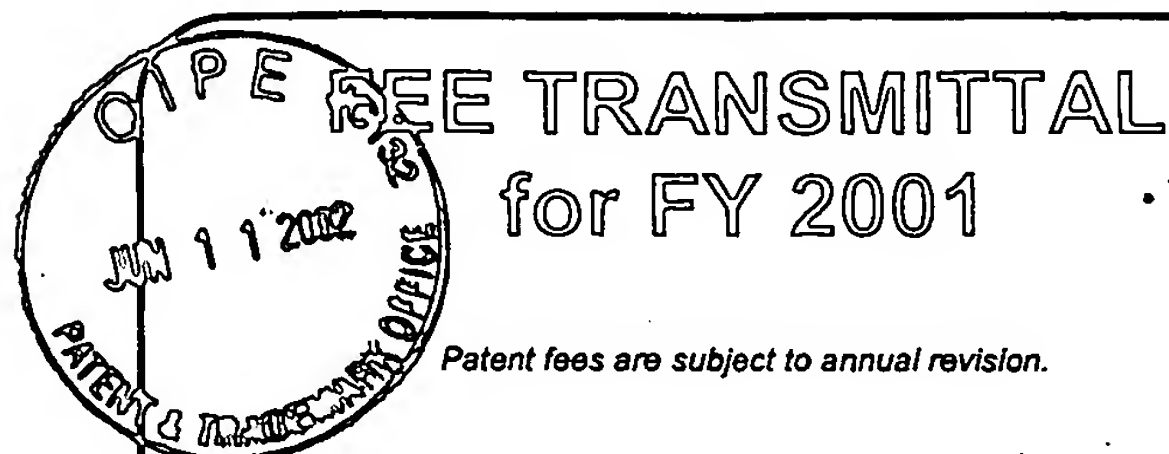
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Stanley B. Baker

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TOTAL AMOUNT OF PAYMENT (\$) 454.00

Complete If Known

Application Number To be assigned

Filing Date Concurrently herewith

First Named Inventor Lamb

Examiner Name

Group / Art Unit

Attorney Docket No. 1855.4

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METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																																																		
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 50-0332</p> <p>Deposit Account Name: Summa & Allan, P.A.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>					<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td></td><td>Requesting publication of SIR after examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td></td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>690</td><td></td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,380</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113		Requesting publication of SIR after examiner action		115	110	215	55	Extension for reply within first month		116	390		195	Extension for reply within second month		117	690		445	Extension for reply within third month		118	1,380	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	130	123	130	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application	
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<p>FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td><td>370</td></tr> <tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (1)</td><td>(\$ 370)</td></tr> </tbody> </table>					Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	710	201	355	Utility filing fee	370	106	320	206	160	Design filing fee		107	490	207	245	Plant filing fee		108	710	208	355	Reissue filing fee		114	150	214	75	Provisional filing fee		SUBTOTAL (1)					(\$ 370)																																																																																																																																									
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<p>Other fee (specify)</p> <p>*Reduced by Basic Filing Fee Paid</p> <p>SUBTOTAL (3) (\$ 0)</p>																																																																																																																																																																																							

SUBMITTED BY

Complete (if applicable)

Name (Print/Type): Stanley B. Baker Registration No. Attorney/Agent: 35,058 Telephone: 704-945-6707

Signature: [Signature] Date: 1/31/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PATENT AND
TRADEMARK OFFICE
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Deposit Account Statement

Requested Statement Month: February 2002
 Deposit Account Number: 500332
 Name: SUMMA & ALLAN, P.A.
 Attention:
 Address: 11610 NORTH COMMUNITY HOUSE ROAD
 City: CHARLOTTE
 State: NC
 Zip: 28277

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/08	68	10062954	1855.4	203	\$27.00	\$3,272.00
02/08	69	10062954	1855.4	204	\$140.00	\$3,132.00
02/19	3	10073687	5377.6B	204	\$140.00	\$2,992.00
02/20	59	526388		566	\$15.00	\$2,977.00
02/20	60	526396		566	\$30.00	\$2,947.00
02/21	149	09415402	500.114	119	\$320.00	\$2,627.00
02/21	150	09415402	500.114	120	\$320.00	\$2,307.00
02/21	151	09415402	500.114	117	\$920.00	\$1,387.00
02/25	1	09827441	3000.146C	148	\$110.00	\$1,277.00
02/25	1	PCT/US01/48423	3200.22-1	566	\$15.00	\$1,262.00
02/26	11	529042		464	\$15.00	\$1,247.00
02/26	18	529049		464	\$60.00	\$1,187.00
02/27	19	10062954	1855.4	203	\$27.00	\$1,160.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,299.00	\$2,139.00	\$0.00	\$1,160.00

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